IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.M.C.No. 2199 of 2004(D)

CC.211/2003 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA
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PETITIONER:

1. K.T.JACOB, AGED 67 YEARS, S/O. THOMAS,
KOCHUPURAYIL JAE PEE VILLA, CHENNEERKARA MURI,
CHENNEERKARA VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.

2. PONNAMMA JACOB, W/O. K.T.JACOB,
KOCHUPURAYIL JAE PEE VILLA, CHENNEERKARA MURI,
CHENNEERKARA VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT. (DIED)

BY ADV. SRI.THOMAS ABRAHAM
SRI.NAGARAJ NARAYANAN
SRI.K.B.ARUNKUMAR

RESPONDENTS:

1. ANNIE THOMSON D/O. ZACHARIAH,
AGED 36 YEARS, VADAKKE VEEDU, MANKULAM KIZHAKKE
MURI, PATHANAPURAM TALUK, PATHANAPURAM P.O.,
KOLLAM DISTRICT.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

3. SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SRI. PUZHAKKARA MUHAMMED, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31/01/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. M.C. NO. 2199 OF 2004

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Dated this the 31th day of January 2007

O R D E R

The petitioners, who are the parents of the husband of the 1st respondent/complainant, has sought for setting aside the proceedings initiated against them vide C.C. No. 211/2003 in the file of Chief Judicial Magistrate, Pathanamthitta with respect to the offences under sections 498 A and 506 (ii) r/w 34 IPC.

2. It was submitted that subsequent to the filing of the present proceedings the 2nd petitioner died.

3. The contention is that the proceedings initiated in C.C. No. 211/2003 is on the basis of false and untrue allegations. The charge in the C.C. No. 211/2003 is against the petitioners as well as their son who is the 1st accused. As already mentioned above, the 1st respondent is the wife of the 1st accused. They have got a son as well. The marriage was conducted on 28.04.1994. The child is aged about 10 years. Subsequent to the taking cognizance of the offence in C.C. No. 211/2003, the 1st accused committed suicide. According to the petitioners the

same was occasioned on account of the harassment perpetuated by the 1st respondent/wife who never permitted the 1st accused to visit their son. It was contended that the entire allegations in the private complaint filed which was forwarded to the police under section 156(3) Cr.P.C are against the 1st accused who is no more. Moreover, the allegation against the 1st petitioner/2nd accused is with respect to the period in 1994 at the time when the 1st respondent/complainant was pregnant, that petitioners 1 and 2 incited the 1st accused to ill treat the complainant. The other allegation is that the petitioners scolded her and manhandled her as her husband/1st accused made a statement to the insurance surveyor which was contradictory to the version of the 1st petitioner with respect to a vehicle insurance claim amounting to Rs. 2500. I find that the allegations in the complaint against the petitioners are very much vague. There are no specific allegations against the surviving 1st petitioner herein in the complaint filed by the 1st respondent as is evident from Annexure 2, copy of the complaint. I find the accusations are not sufficient to attract the concept of cruelty contained in section 498 A.

In the circumstances, we find that the proceedings in C.C. No. 211/2003 in the court of Chief Judicial Magistrate Court, Pathanamthitta against the 1st petitioner herein cannot be sustained and the same is quashed herewith. The Crl. M.C. is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

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